IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 184 of 1998

Dated 28th November, 2006

Between
K.Bangaraiah

… Petitioner

And

Government of Andhra Pradesh
represented by its Secretary for Forest and
Rural Development Department, Secretariat,
Hyderabad and others.

… Respondents.

ORAL ORDER:

In this writ petition, the petitioner has questioned the order dated 12.10.1996 in proceedings No.7037/73-82 passed by respondent No.3 forfeiting the Security Deposit of Rs.10,000/-, as confirmed by the appellate authority i.e. the Conservator of Forests, Rajahmundry.

The petitioner was a Drift Wood contractor in Polavaram Range during the years 1968 to 1970. An agreement for collection of driftwood was executed on 20.6.1970. The lease was for the period from 1.7.1970 to 30.11.1970. On 2.7.1970, a case was registered against four persons who are the agents of the contractor for unauthorized possession of 4 teak logs admeasuring 12.779 Cmts. After seizure, a temporary custody was given to the petitioner. But, ultimately, the said property was ordered to be sold. He filed representations before the Conservator of Forests and Government and ultimately, questioned before this court by filing writ petition. In the writ petition, the teak logs were ordered to be released on furnishing an amount of Rs.5000/- towards security deposit. Thereafter, on filing writ appeal, a Division Bench of this Court by order dated 3.8.1983 in Writ Appeal No. 643 of 1983 directed to release the seized wood on furnishing security of Rs.10,000/-.

Subsequent to the seizure proceedings, though there was criminal complaint with reference to the offence under the Forest Act, but no orders were passed with reference to case property. Thereafter, with regard to seized wood, proceedings were initiated

for confiscation under the A.P. Forest Act and the Divisional Forest Officer passed orders dated 25.11.1978 vide proceedings Ref.No. 7037/73-A8 confiscating the material in dispute to the State. When the petitioner made a request for release of the amount of Rs.10,000/- which he has furnished as security pursuant to the orders passed by a Division Bench of this Court in Writ Appeal No. 643 of 1983 on the ground that criminal proceedings ended in his favour and as such he is entitled for the same, the Divisional Forest Officer has passed the impugned order forfeiting the security deposit in view of the finality attained to the confiscation proceedings vide orders dated 25.11.1978 passed by the Divisional Forest Officer. As against the same, he has also preferred appeal before the Conservator of Forests, who has also rejected the appeal confirming the order of the Divisional Forest Officer.

In this writ petition, it is submitted by the learned counsel for the petitioner that as much as criminal proceedings ended in favour of the petitioner, he is entitled for refund of Rs.10,000/- deposited by way of security pursuant to the orders passed by this Court in Writ Appeal No.643 of 1983.

But, however, it is to be seen that with regard to seized material i.e. 4 teak logs, proceedings were initiated for confiscation, and, ultimately the material in dispute was ordered to be confiscated by orders dated 25.11.1978. But, as much as the material was released in favour of the petitioner subject to furnishing security, the order impugned herein has been passed on the application of the petitioner for refund of the security deposit. The impugned order is only a consequence of the order of confiscation dated 25.11.1978 passed by the Divisional Forest Officer. As much as the seized wood was released on furnishing security of Rs.10,000/- and the said material was ordered to be confiscated by order dated

25.11.1978, which has become final, the petitioner is not entitled for refund of the amount of Rs.10,000/-, which he has given by way of security for the release of the said material.

In that view of the matter, I do not find any illegality in the impugned order, which warrants interference by this court under Article 226 of the Constitutions of India. The writ petition is devoid of merits and is accordingly dismissed. No costs.

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28.11.2006

R.SUBHASH REDDY, J.

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